



*Working to protect the Mississippi River
and its watershed in the Twin Cities area.*

101 East Fifth Street
Suite 2000
Saint Paul, MN 55101

651-222-2193
www.fmr.org
info@fmr.org

November 30, 2020

Dear Councilmembers:

We are writing to share our concerns about the proposed Valley View Oak 3rd Addition at 1101 Victoria Curve. We do not believe this project meets the city's current Critical Area ordinance and are concerned that this project could further a long history in Mendota Heights and the surrounding area of bluff collapse and expensive damage to public and private property.

Friends of the Mississippi River (FMR) is a non-profit organization with a mission to engage community members and other stakeholders to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities region. We represent thousands of people in the metropolitan area who care deeply about the river, including a growing membership of over 2,700 people and more than 3,200 volunteers and 2,000 advocates engaged each year.

Project violates current and future standards

As you know, the Minnesota Department of Natural Resources (DNR) has issued an updated definition of "bluff" for the Mississippi River Corridor Critical Area (MRCCA). The DNR defines a bluff as having a grade of 18 percent or higher, whereas Mendota Heights' current definition is based on a 40 percent grade. When Mendota Heights adopts its new MRCCA ordinance (no later than January 2022, per DNR requirements), buildings on this specific property will be required to be set back 40 feet from the top of any slope with a grade of 18 percent or higher. The proposed project doesn't come close to meeting this standard.

The proposed building sites also do not meet the city's current requirement that "every effort be made to place the building on slopes of less than 18 percent." All of the proposed building sites contain at least some slopes exceeding 18 percent; one site is almost entirely on a slope exceeding 18 percent. A much stronger effort could be made by reducing the number of proposed buildings. Nothing in the city's ordinances grants the applicant a right to subdivide their property into this many lots in a way that so severely violates the city's standards.

We question the future of this project. The sites as platted do not meet the city's current requirements and will not meet the city's future requirements, as the updated ordinance will require a 40-foot setback from the top of slopes with an 18 percent grade. Approving this plat will lead to another round of controversial decisions with every building application. Does the city really want to revisit this issue five more times? It would be wiser to uphold the proper

expectations of the current property owner than to have five new owners of the subdivided lots who discover their new lots aren't buildable under city code.

Fragile geology, future risk

The Mississippi River bluffs are a tremendous scenic and ecological asset to Mendota Heights and are part of our national park, the Mississippi National River and Recreation Area. The updated DNR MRCCA rules, intended to guide riverfront development in a way that protects the bluffs, were created through years-long stakeholder engagement processes. That public input should be honored.

There is also a science-based rationale for the new, stronger blufftop development standards. The bluffs in this part of the metro area are particularly fragile and prone to erosion and collapse, including several high-profile landslides that have closed roads and trails and damaged buildings. As the DNR noted in their comments to you, human modifications to slopes increase the risk of collapse. Just a few weeks ago, a significant bluff collapse happened less than a mile from this proposed development site, damaging a popular trail and bringing the buildings along the top of that bluff perilously close to the edge.

The future will present additional challenges for buildings on steep slopes. As climate change brings about more extreme weather events more frequently, rainfall and other factors will accelerate bluff erosion. Each erosion incident brings structures closer to the bluff's edge. Betting on the long-term stability of a bluff is a risky liability for any property developer or owner. Remediation projects, when they become necessary, are incredibly expensive.

We strongly encourage the council to **adopt** the Planning Commission's recommended denial of the preliminary plat and associated Critical Area and Conditional Use permits. We also urge the city to adopt its updated MRCCA ordinance as quickly as possible to provide clear and predictable expectations for future development, and to place a moratorium on future Critical Area permits until the new ordinance is in place.

Thank you for your careful consideration of this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Whitney L. Clark". The signature is fluid and cursive, with a large initial "W" and "L".

Whitney L. Clark
Executive Director